

Attached Exhibit 1. The State will be prepared to begin its production on July 2, 2007, including its databases. The State has requested that it receive ESI in Native File Format and the Defendants have refused to do so. See Attached Exhibits 2. Defendants are now objecting to the State's proposed ESI productions notwithstanding the Court's guidance of the use of Native File Format. See Transcript of April 27, 2007, Pg. 74-77. See Attached Exhibit 3.

3. The State is producing ESI in Native File Format consistent with Fed.R.Civ.P. Rule 34(b)(ii). The State is, however, removing non-responsive E-Mails. In order for the databases the State is producing to be useful and searchable the whole database must be produced. ESI in its Native File Format is easily and quickly searchable. The State will be identifying databases and reports which are responsive to particular requests for production. Because the State is producing ESI as it is kept in the usual course of business and because ESI is easily searchable, Rule 34 is fully complied with. Defendants disagree; specifically Defendants are now demanding the State to categorize its ESI to correspond to a particular request for production in contradiction to the plain language of Rule 34. See Attached Exhibit 4.

4 The Defendants are refusing to produce ESI in Native File Format and it is unclear at best whether they intend to categorize their production to correspond to the State's requests. Defendants consistently refuse to provide metadata at this time. Further, the Defendants are refusing to produce databases in a searchable electronic form where they have previously produced reports in hard copy form.

5. The State seeks an expedited hearing on June 28, 2007, as the parties agreed deadline to produce ESI is July 2, 2007.

6. The State has conferred with the Defendants and they object to the filing of this motion.

Wherefore, the State respectfully moves the Court for an expedited hearing and to enter such Orders as necessary to facilitate a full and useful ESI production.

Respectfully Submitted,

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